

**Thursday, February 11, 2016**

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

**ROLL CALL:**

**PRESENT:** Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

**ABSENT:** None

**PUBLIC COMMENT PERIOD**

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Don Campbell: opens Public Comment.

Eric Greening: speaks.

**PLANNING STAFF UPDATES**

2. This is the time set for Planning Staff updates.

Steve McMasters, staff: updates Commissioners on recent Board of Supervisors (BOS) actions and updates them on their near term schedule.

**CONSENT AGENDA:**

3. September 24, 2015 Draft Planning Commission minutes

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James			x	
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric			x	
Topping, Ken	x			

The Commission approves Consent Item 3., as corrected with Commissioners Meyer and Harrison abstaining from the vote.

4. A request for a first time extension by MARGARITA VALLEY RANCH, INC. for a Vesting Tentative Tract Map (Tract 2650) to subdivide an existing 19.50 acre parcel into sixteen parcels of approximately one acre each for the purpose of sale and/or development. The project includes off-site road improvements to Via Concha and Willow Roads. The project will result in the disturbance of the entire 19.50 acre parcel. The division will create two on-site roads. The proposed project is within the Recreation land use category. The project is located at the northwest corner of Willow Road and Via Concha Road, directly adjacent to the west of Blacklake Village, approximately two miles northwest of the community of Nipomo. The site is in the South County subarea of the South County planning area.

County File Number: SUB2005-00233

Assessor Parcel Number: 091-181-052 &-053

Supervisory District: 4

Date Accepted: N/A

Project Manager: Stephanie Fuhs

Recommendation: Approval

Thereafter on **Motion by:** Eric Meyer, **Second by:** James Harrison, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission approves Consent Item 4.

#### **HEARINGS: (Advertised for 9:00 a.m.)**

5. Continued hearing to consider a request by JANNECK, LIMITED (LAETITIA AGRICULTURAL CLUSTER) for

a Tentative Tract Map and Conditional Use Permit to allow an agricultural cluster subdivision of twenty-one parcels (totaling 1,910 acres) into one hundred and two (102) residential lots and four (4) open space lots. The proposed project includes 101 1-acre residential lots plus one existing single-family residence, a ranch headquarters (includes a homeowner's association facility, recreation center, and community center), 25 acres of internal access roads, and a wastewater treatment plant. The ranch headquarters and wastewater treatment plant are proposed on the open space parcels. A proposed 7.7-acre dude ranch is not included in the Conditional Use Permit, but is included in the FEIR as a future development proposal. The proposed project is within the Agricultural and Rural Lands land use categories and is located approximately two miles south of the City of Arroyo Grande and two miles north of the community of Nipomo, on both the eastern and western sides of Highway 101. Also to be considered is a Final Environmental Impact Report. CONTINUED FROM 10/29/15.

County File Number: SUB2003-00001 and DRC2003-00001

Assessor Parcel Number: 047-051-005; 048-121- 006; 047-311-001, -007, -010, -011; 047-301-002, -003; 075-341-007

Date Accepted: February 5, 2004

Project Manager: Brian Pedrotti

Eric Meyer: abstains from listening to this item.

Commissioners: disclose their ex-parte contacts.

Brian Pedrotti, Project Manager: presents information since the last hearing, i.e. Cal Trans letter, accident history, and project recommendation.

Don Campbell: opens Public Comment.

Eric Greening, James Toomey and Mike McClure : speak.

Commissioners: begin deliberations.

Ken Topping: asks if the applicant would they would appeal should the Commission approve this proposal with 83 lots with Mr. Montgomery stating they have a right to an appeal and they are agreeing to 83 lots.

Adam Fukushima, Cal Trans: discusses question about option for a traffic interchange in terms of the driveway access.

Commissioners: discuss traffic issues with Mr. Fukushima.

Travis Craig, Cal Fire: addresses emergency access in terms of a second guard gate for which Cal Fire supports if the applicant can have this staffed 24/7. Comments on Cal Trans not being in support of the access at the guard gate because there needs to be a barrier for emergency use only staffed 24 hrs a day. Further clarifies how Cal Fire would support the access gate in conjunction with Cal Trans.

Ken Topping: expresses his concern with the secondary access issue.

Adam Fukushima, Cal Trans: clarifies Cal Trans cannot support the guard gate and provides

reasoning.

Ken Topping: provides reasoning for his motion for denial of this proposal. No second to the motion is taken, motion fails.

Whitney McDonald, County Counsel: would like clarification on the denial motion because the Commission needs to incorporate findings for denial.

Ken Topping: modifies motion with some findings subject to confirmation on a second. Specific points are: project without secondary access does not meet requirements of PRC4290; the accident history at Laetitia interchanges suggests safety issues if secondary access were granted unrestricted, as opposed to emergency access only; there is a need for improvements to Highway 101 or another point of access through the property that would provide a second access; question of long term water supply needs to be addressed and resolved if possible.

Whitney McDonald, County Counsel: discusses a tentative motion to deny can be drafted at a break to include issues brought forth today rather than use the original finding for denial as proposed at the original hearing. Discusses not certifying the EIR if the project is denied and provides reasoning.

Ken Topping: amends his suggested action for denial with a request to staff to return with specific findings as indicated in the motion.

Commissioners: tentatively deny this proposal based on the areas of concern outlined during this discussion, and findings of denial will be prepared and brought back after a recess.

After a brief recess the Commission reconvenes this item and begins discussing the findings for denial brought before them and shown on the overhead.

Commissioners: discuss their concern about the fractured bedrock water resource in terms of this being a speculative water resource, and their concerns about this proposal being an agricultural cluster.

Jim Harrison: is concerned for water resources, future parcel splits, and states this proposal is especially problematic if the applicant cannot provide a secondary access point that Cal Trans and the fire department can agree upon.

Thereafter on **Motion by:** Ken Topping, **Second by:** Jim Irving, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x	x		
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric				
Topping, Ken	x			

The Commission denies the request by Janneck, Limited (Laetitia Agricultural Cluster) for a Tentative Tract Map SUB2003-00001 and Conditional Use Permit DRC2003-00001 based on the amended

findings prepared and as shown in Exhibit A.

6. A request by JIM JEFFERS for an amendment to the Shandon-Carrizo sub area of the North County Planning Area of the Land Use and Circulation Element to change the land use category of approximately eight acres from Agriculture to Commercial Service. Also to be considered is inclusion of planning area standards contained in Title 22 (Land Use Ordinance, North County Area Plan, Shandon-Carrizo subarea) in order to accommodate an existing steel fabrication yard at the site. The site is located on the north side of Highway 46 East, approximately 1.5 miles west of Bitterwater Road, east of the community of Shandon.

County File Number: LRP2014-00022

Assessor Parcel Number: 017-131-039 and -050

Supervisory District: 1

Date Authorized: June 2, 2015

Project Manager: Stephanie Fuhs

Recommend Board of Supervisors approval

Stephanie Fuhs, Project Manager: presents staff report via a Power Point presentation

Don Campbell: opens Public Comment with no one coming forward.

Commissioners: deliberate proposal.

Thereafter on **Motion by:** Jim Irving, **Second by:** Eric Meyer, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission recommends to the Board of Supervisors approve this general plan amendment as shown in the attached Exhibits LRP2014-00022: B and LRP2014-00022:C based on the recommended findings contained in this report.

7. A request by MATTHEW and BETTINA HOLLAND for a Variance/Coastal Development Permit to allow grading on slopes in excess of 30% for a three level single family residence of approximately 3,152 square feet with an approximately 1,181 square foot garage and storage area on a 3,484 square foot lot. The proposal includes the following components: (1) grading and excavation for the lower level garage, driveway and building foundation; (2) site disturbance of approximately 3,250 square feet including on-site drainage improvements; and (3) development of the residence including landscaping. The proposed project is within the Residential Single Family land use category and is located at 460 Chaney Avenue, in the community of Cayucos. The site is in the Estero planning area. Also to be considered is the approval of the environmental document. A General Rule exemption was issued for this project.

County File Number: DRC2015-00021  
 Supervisorial District: 2  
 Project Manager: Terry Wahler

Assessor Parcel Number: 064-404-012  
 Date Accepted: December 30, 2015  
 Recommendation: Approval

Terry Wahler, Project Manager: presents staff report via a Power Point presentation.

Don Campbell: opens Public Comment with no one coming forward.

Commissioners: deliberate proposal.

Thereafter on **Motion by:** Ken Topping, **Second by:** Eric Meyer, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission approves Variance/Coastal Development Permit DRC2015-00021 based on the findings listed in Exhibit A and the conditions listed in Exhibit B; adopted.

8. A request by DANA MERRILL OF POMAR JUNCTION WINERY for a Conditional Use Permit to allow the phased expansion of the existing winery operations. Phase I consists of the conversion of two shop buildings of 2,700 square feet (sf) each to barrel storage and construction of an expanded wastewater treatment facility. Phase II consists of the construction of a 10,440-sf processing facility. The project is also requesting an expanded special event program to allow 25 events with up to 200 people per year and a modification to the winery noise ordinance to allow outdoor amplified music past 5 pm. The proposed project will result in the disturbance of approximately 60,000 sf on a 121 acre site. The proposed project is within the Agriculture land use category and is located at 5036 South El Pomar Road, approximately 7 miles east of the community of Templeton. The site is in the El Pomar-Estrella Sub area of the North County Planning Area.

County File Number: DRC2014-00004  
 Supervisorial District: 5  
 Brandi Cummings

Assessor Parcel Number: 033-291-048  
 Date Accepted: October 23, 2014  
 Recommendation: approval

Commissioners: disclose their ex-parte contacts.

Brandi Cummings, Project Manager: presents staff report via a Power Point presentation.

Commissioners: begin deliberating proposal.

Whitney McDonald, County Counsel: discusses the current draft ordinance regarding the Vacation rentals being updated in terms of its relationship with the Williamson Act.

Terry Wahler, staff: discusses Williamson Act Rules of procedure which implement...

Jamie Kirk, agent: presents a Power Point presentation on proposal.

Commissioners: begin questioning the agent.

Don Campbell: opens Public Comment Paul Hoover: speaks.

Jim Irving: is not in support of amplified music until 10 pm and suggest 9:00 PM, and no events at the vacation rental.

Eric Meyer: agrees to suggested hours. Suggests limitation of the number of people who use the vacation rental to six at a time, or add a condition stating no events are to be associated with the vacation rental.

Ken Topping: asks fellow Commissioners to consider compromise to end time of 9:30 PM and 2 events per month.

Jim Harrison: is in agreement

Brandi Cummings, Project Manager: makes edits to the conditions shown on the overhead screen, and reads them into the record.

Commissioners and Staff: discuss the pending Vacation Rental ordinance in terms of Williamson Act compatibility, and consistency.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq, and approves Conditional Use Permit DRC2014-00004 based on the findings listed in Exhibit A, adding new Finding H. to read: H. The proposed project will re-affirm the approval for the conversion of two 2,700 square-foot buildings to agricultural processing uses, extend the time frame for previously approved agricultural processing uses, and allow a limited increase to the existing special event program. The uses will be contained within the existing development envelop and will not result in the conversion of lands in production agriculture. The primary use on-site will be the processing of on and off-site grapes into wine. Agricultural processing uses, including special events, are allowed as 'agricultural

and compatible uses' by Table 2 of the San Luis Obispo County Rules of Procedure to Implement the Land Conservation Act of 1965. The project will not compromise the long current of foreseeable agricultural operations on the property. The project will not result in the significant removal of on-site or off-site agricultural uses. Therefore, the project complies with the intent of the Laird Bill, as the primary use is, and will remain agriculture.”; and subject to the conditions listed in Exhibit B, Changing condition 1. A. Phase 1, to indicate being vested by the year 2021; Changing condition 1. B. Phase 2 to indicate being vested by year 2026; Changing condition 2. To read: “2. This approval authorizes two special events per month for no more than 200 attendees in addition to wine industry wide events. Amplified music between the hours of 10:00 a.m. and 9:30 p.m. is permitted and subject to Conditions 4-49. Maximum noise levels shall not exceed 65 dB as measured at the property line. No events shall be located at or associated with the vacation rental.; Delete condition 48 and re-number conditions; Add conditions 58 to read: 58. The applicants shall comply with the Memorandum Regarding Water Offset Calculation (Wallace Group, July 7, 2014) recommendations for special events regarding use of temporary toilets and catering of meals. If applicant chooses to utilize permanent toilets and/or cook on-site for events, new water offset calculations shall be required”; Adopted

9. Hearing to consider a request by GREG BONE for a Conditional Use Permit to authorize a 94 square foot (sf) public tasting room (for olive oil tasting), a 998 sf restaurant (limited food service facility), and a 30 sf permanent farm stand, to be located within an existing 3,445 sf permitted olive processing building. The applicant is also requesting to allow the processing of olives not grown on-site, the processing of olives into table olives for sale onsite, and the construction of a 45 sf detached restroom. The applicant is requesting the following:
  - a. modification of ordinance Section 22.30.570 limiting a restaurant to 800 sf to allow 998 sf;
  - b. modification of ordinance Section 22.30.020.D to allow the restaurant to operate beyond the tasting room hours, to 6 pm four days a week and to 9 pm two days per week;
  - c. modification of ordinance Section 22.30.070.D.4.c.1 Olive Oil Production that requires all structures and outdoor use areas to be located no closer than 200 feet from each property line to allow a 96 ft setback from outdoor use area to the property line (north west) and that requires all structures to be located no closer than 500 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north);
  - d. modification of ordinance Section 22.30.075 Ag Retail Sales that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north). The project could result in approximately 5,340 sf of site disturbance for access improvements. The applicant is not proposing any Temporary Events. The project is located within the Agriculture land use category and is located on the south side of Kiler Canyon Road, approximately 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), in the North County planning area, Salinas River sub area. Also to be considered is the approval of the Mitigated Negative Declaration.

County File Number: DRC2013-00096

Assessor Parcel Number(s): 018-271-021 & 018-271-022

Supervisory District: 1

Date Accepted: December 8, 2014

Project Manager: Holly Phipps / (805)781-1162 Recommendation: approval

Bill Robeson, Executive Director: reports to Commissioners that the March 24, 2016

Holly Phipps, Project Manager: presents staff report via a Power Point presentation.

Jill Coomer, Code Enforcement Officer: presents reasoning for code enforcement violations via a Power Point presentation.

Travis Craig, Cal Fire: comments on site visits conducted. Further comments on sprinklering; and road width compliance.

Commissioners: disclose their ex-parte contacts. Contemplate if this were a permitted restaurant would this require sprinklers with Cal Fire stating yes there would be sprinklers required.

Cheryl Journey, Chief Building Official: provides permitting history of property information.

Lynda Auchinachie, Agriculture Department: discusses the agriculture processing ordinance in terms of processing facilities and visitor serving uses regarding mitigation of these uses.

Pamela Jardini, agent: presents a Power Point presentation.

Don Campbell: opens Public Comment.

Don Hofer; Mary Staton, Roger Staton, Quill Chase, Chaponica Trimmell, Peregrine Chase, Mike Francis, Rogan Thompquist, Cody Ferguson, John Ziegler reads into the record letter from Alex Martin, John Ziegler speaks for himself, Colleen Ferguson, Janet Thompquist, Bud & Peggy Chase, Bill Van Orden, Greg Traynor, Leland Learned, Susan Gerakaris, Ken Trotman, Peter Allmaniward, Karen Coombs-Marcey, Kim Routh letter read into the record, Robert Prophet, Steven Cornelius, Ed Goshorn, Paul Hoover, Krissy Harb, Marcia Taylor, Karen Tallent, Gidi Pullen, Devon Bone read the Dewitt's letter into the record, Greg McMillan, Kathryn Keeler, Stuart M. de Haaff, Elizabeth Rolph, Dan Chase: speak.

Thereafter on **Motion by:** Jim Irving, **Second by:** James Harrison, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to March 24, 2016.

Thereafter on **Motion by:** Jim Irving, **Second by:** Eric Meyer and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			

Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission accepts all testimony and correspondence entered into the record.

Thereafter on **Motion by:** James Harrison, **Second by:** Eric Meyer and on the following vote:

<b>COMMISSIONERS:</b>	<b>AYES:</b>	<b>NOES:</b>	<b>ABSTAIN:</b>	<b>RECUSE:</b>
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adjourns to the next regularly scheduled meeting on February 25, 2016.

**ADJOURNMENT: 4:58**

Respectfully submitted,  
 Ramona Hedges, Secretary  
 San Luis Obispo County Planning Commission

**Minutes approved at the xx/xx/xx Planning Commission meeting.**